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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 000769

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SUBJECT: A "BILL OF RIGHTS" FOR DARFUR'S IDPS

REF: A. KHARTOUM 760

- [1](#)B. FERNANDEZ-CHAPMAN GATES EMAIL 4/29/08
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Classified By: CDA Alberto M. Fernandez, reasons .14 (b) and (d).

[1](#)1. (C) As the United States considers further discussions with Sudan on issues related to the conflict in Darfur, the challenge remains to comprehensively address all aspects of this bloody, complex and contradictory crisis. The Darfur crisis is unusual: some rebel commanders receive/received generous stipends funded by the West to participate in ceasefire commissions, more civilians have fled to areas under government control as IDPs than as refugees in neighboring Chad, the international community focuses on international peacekeepers more than securing a peace to keep, and both international players and the Sudanese regime lavish more attention on rebel movements than on the millions of IDPs and refugees who are the heartbreaking human face of Darfur's ongoing tragedy.

[1](#)2. (C) For the sake of Darfur's suffering millions and of the possibility of a more stable and united Sudan, there must be a more overt addressing of practical problems confronting these populations scattered among IDP camps in Darfur. Certainly improved humanitarian access and accelerated UNAMID deployment, especially of Formed Police Units (FPU), will accomplish much to address the IDP dimension. A less adversarial relationship between the Khartoum regime and the NGO community will also reap benefits for these populations.

[1](#)3. (C) The 2006 Darfur Peace Agreement (DPA) comprehensively covers many of the issues one would want to see in a "Darfur IDP bill of rights." This detailed but mostly moribund agreement addresses compensation, land, resettlement and reconstruction, especially in the power sharing and wealth sharing provisions of the accord. Unfortunately, the agreement fell apart almost immediately with only one rebel leader, Minni Minnawi, signing and two others - Abdulwahid Nur of SLM and Khalil Ibrahim of JEM - refusing to do so. Rebel movements subsequently fragmented, intermittent fighting continued as did the repression and brutality of the Sudanese regime. Parts of the agreement moved forward as Minnawi was installed in a gilded cage in Khartoum but the DPA's credibility took a beating among IDPs. The new government body for Darfur, the TDRA (Transitional Darfur Regional Authority) technically exists but has neither the power nor the funding to implement the DPA.

[1](#)4. (C) Meanwhile, between one and two million IDPs sit in squalid camps (which in some cases are better than the villages they came from) in a massive case of "forced

urbanization" brought on by insecurity in the countryside. Crime rises as IDPs prey on each other when not harassed by regime security forces and their Arab militia allies. IDP camps will serve as breeding grounds for new generations of alienated Darfuri young men, deracinated and angry. This is a long term problem which could lead to the breakup of Sudan and for which the Khartoum regime bears the ultimate responsibility by pursuing its "counter-insurgency on the cheap" strategy, especially during 2003-2006 when the worst killing occurred. Some wiser heads in the regime realize that this case of Darfuri "chickens coming home to roost" is a bitter legacy the National Congress Party (NCP) will not be able to avoid.

¶5. (C) Despite the fact that an agreement exists, which has not been fulfilled, and may never be, there is a benefit in getting the Khartoum regime to publicly restate its commitment to a basic package of Darfuri rights and to even take some preliminary steps towards achieving them, as long as such steps do no harm to the basic integrity of the DPA nor prejudice any future agreements that the GOS may arrive at with rebel movements still up in arms against Khartoum.

¶6. (C) Such a bill or action plan could include the following:

-- An explicit public acknowledgment of Darfuri IDP rights such as the voluntary right of return, right to compensation, and the retaining of original land rights (this is explicit in the Wealth Sharing portion of the DPA under article 20, paras 158-159).

-- Publicly accepting unhindered American reconstruction and development assessment in rebel-held areas of Eastern Jebel

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Marra, Dar Zaghawa, and also government-controlled region where the local population has never been dislocated.

-- Establishing an international monitored, internationally and Sudanese regime-funded fund for compensation (to underscore the principle of compensation) as a complement to the eventual functioning of the Compensation Commission and Darfur Rehabilitation and Resettlement Commission (DRRC) as set forth in the DPA. The Sudanese regime could invite Western critics of Sudan having expertise on Darfur to participate in the international fund's board.

-- Easing NGO access to IDP camps and to participating in camp coordination, especially in North and South Darfur.

-- Enhancing Darfuri IDP access to secondary education and to university education.

-- A public statement that Darfuri refugees in Chad also retain these rights.

-- Setting up community policing units, trained in human rights law, and controlled by and drawn from IDP populations to police IDP camps in conjunction with the FPU's and coordination with Sudanese regular police.

-- Acknowledging the right of IDP representation as observers at future Darfur peace talks (the NCP allowed this, grudgingly, at Sirte in 2007 and at Abuja in 2006, but it remains a point of contention.

-- Ending the semi-official NCP campaign of vilification of Darfur IDPs as if they were either aliens or traitors and not Sudanese citizens with full rights of citizenship.

¶7. (C) Such steps are no substitute for a comprehensive, implemented peace and are probably 2 to 4 years too late given the dangerous inertia on the ground which is inexorably changing Darfur into a more urban, fragmented, and polarized place and could eventually lead to even more suffering. Land rights may not mean much to people who are never going home

or to a government which habitually breaks its word. But such an effort as outlined here is a way for the Sudanese regime to face up to its responsibility and to - at the very least, publicly and symbolically - acknowledge the heart of the matter. As we discuss procedural issues with the Sudanese, the United States should also press Sudan to "come clean" and speak to these issues and break the cycle of repression and denial which categorizes so much of Sudanese history even before this regime came to power in 1989.

FERNANDEZ